Merchant & Gould

An Intellectual Property Law Firm

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Fax Transmission

TO:

Commissioner for Patents

Attn: Examiner ABRAHAM

Patent Examining Corps

Facsimile Center

Washington, D.C. 20231

FROM:

Douglas P. Mueller

OUR REF:

10873.830US01

TELEPHONE:

612.371.5237

Total pages, including cover letter:

PTO FAX NUMBER 1-703-872-9306

If you do NOT receive all of the pages, please telephone us at 612.336.4638, or fax us at 612.332.9081.

Title of OFFICIAL Document Transmitted:

Request for Remailing of Notice of

Allowance and Withdrawal of Holding of Abandonment; copy of M&G 10/20/04

docket record: Declaration

Applicant:

KITABATAKE

Serial No.:

10/002,913

Filed:

10/23/01

Group Art Unit: 2826

Confirmation No. 8598

Our Ref. No.:

10873.830US01

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Name: Douglas P. Mueller

Reg. No.: 30,300

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

GEN033.DOT



S/N 10/002,913

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

KITABATAKE

Examiner:

ABRAHAM

Serial No.:

10/002,913

Group Art Unit:

2826

Filed:

October 23, 2001

Docket No.:

10873.830US01

Title:

SEMICONDUCTOR ELEMENT

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on March 1, 2005.

Name: Gina Dahl

REQUEST FOR REMAILING OF NOTICE OF ALLOWANCE AND WITHDRAWAL OF HOLDING OF ABANDONMENT

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to withdraw the holding of abandonment in this case, on the basis that the Notice of Allowance forming the basis of the abandonment was not received. A copy of the Notice of Abandonment is enclosed.

Applicants state that a search of the file and the docket records in Merchant & Gould indicates that this Notice of Allowance was not received. Attached is a copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed. A Declaration of Jodi Gandel-Klein, the Docketing Supervisor is also attached.

The Declaration by Ms. Gandel-Klein outlines the firm's handling of incoming correspondence, including Patent and Trademark Office actions. As noted in the Declaration, the correspondence is brought to the firm, date stamped and sorted between Patent and Trademark Office correspondence, other correspondence possibly requiring docketing, and non-docketing correspondence. The Declaration also outlines the firm's procedures for docketing actions from the Patent and Trademark Office. A member of the docketing department collects the correspondence requiring docketing from the mailroom, and delivers the Patent and Trademark

10/002,913

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Office correspondence to the appropriate docketing personnel. That person then reviews the correspondence and enters the appropriate information in the firm's automated docketing system. The correspondence is then delivered to the responsible attorney for appropriate action.

Ms. Gandel-Klein confirms that there is no evidence in the firm's docketing records to indicate that the Notice of Allowance in this application was ever received. Ms. Gandel-Klein concludes that, in view of this, she believes that the Notice of Allowance was never received for docketing.

It is believed that this is sufficient to establish the non-receipt of the Notice of Allowance. More particularly, if the Notice of Allowance had been received, it would have been entered into the computerized docket system. However, even if for some reason the information was entered into the docket system under the wrong file number, the Office Action would still would have been associated with the file for this application since the attorney docket number on the Notice of Allowance is correct. Therefore, the absence of the Notice of Allowance from the attorney's file substantiates Ms. Gandel-Klein's conclusion that the Notice of Allowance was not received. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

Please charge any additional fees or credit overpayment to Merchant & Gould Deposit Account No. 13-2725.

Respectfully Submitted.

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, MN 55402-0903

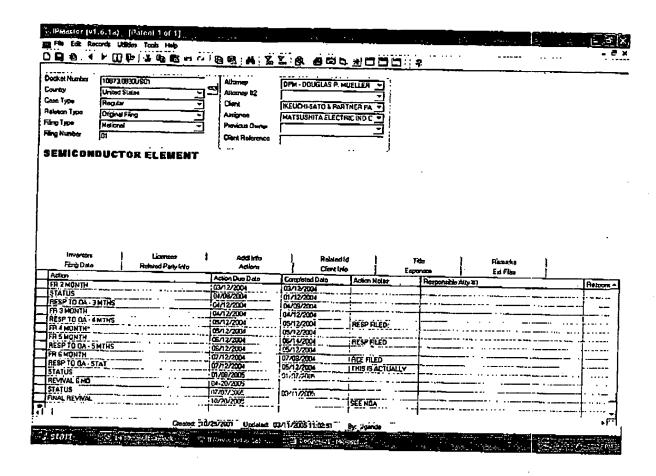
Dated: March 17, 2005

Douglas P. Mueller Reg. No. 30,300

Customer No. 23552

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Due Date	Action Due	M+G Number	Status	Application No	Filing Date	Patent No	issue Date
10/20/2004	Annual Tex Due	10869.0035MXWO	Issued	9602516	10/20/1995	190973	Addenso
Country: Title:	" Mexico COLORED METALLIC PIGNENTS	PIGMENTS		;	9990	190970	CH121999
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Title:	CIRCUIT BOARD AND METHOD OF MANUFACTURING THE SAME	METHOD OF MANUFA	CTURING THE	SAME			
10/20/2004	STATUS	10873.0634USWO	Issued	09/762367	06/07/2000	6794818	09/21/2004
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<u>Due Date</u>	Action Due	M+G Number	Status	Application No	Filing Date	Patent No.	Issue Date
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Country: Title:		METHOD OF MAGNETI	CALLY SEPAR	United States OPTICAL DISK AND METHOD OF MAGNETICALLY SEPARATING TRACKS OF THE OPTICAL DISK	OPTICAL DISK		
10/20/2004	STATUS	10873.0980US01	Issued	10/183178	06/25/2002	6764736	07/20/2004
Country: Title:		ON RECORDING MEDI	IUM AND RECC	United States OPTICAL INFORMATION RECORDING MEDIUM AND RECORDING METHOD USING THE SAME	G THE SAME	- :	
10/20/2004	STATUS	10873.1031US01	Issued	10/226375	08/21/2002	6765246	07/20/2004
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Country: Title:	United States MULTILAYER CERAM	C SUBSTRATE AND M	IETHOD FOR N	United States MULTILAYER CERAMIC SUBSTRATE AND METHOD FOR MANUFACTURING THE SAME	SAME		
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